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COMMITTEE ON NATURAL RESOURCES
Second session
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Agenda item 9

ADOPTION OF THE REPORT OF THE COMMITTEE ON ITS SECOND SESSION

Draft report

Addendum

Rapporteur: Mr. Patrick M. CHIPUNGU

Chapter ____

LEGISLATIVE AND INSTITUTIONAL ASPECTS
OF WATER RESOURCES MANAGEMENT

1. The Committee considered agenda item 6 at the 2nd meeting of its Working Group on Water Resources, on 1 March 1994. It had before it the report of the Secretary-General on institutional and legal issues in integrated water resources management (E/C.7/1994/6).

2. The representative of the Department for Development Support and Management Services introduced the report, emphasizing that the institutional issues affecting water resources management were wide in scope, and not necessarily limited only to water legislation. While most countries regulated and imposed conditions on the exercise of water rights (effective and beneficial use), there were examples of cases where water rights were issued without conditionalities. There was a trend towards controlling water pollution and protecting environmental values associated with water. As water use and environmental risks intensified, countries tended to implement stricter enforcement provisions. Mechanisms to protect water supplies, such as the creation of protection areas and the control of groundwater, were increasingly common.

3. Countries were trying to develop conflict-solving alternatives, such as mediation and consultation. Many countries included principles on scientific development and technology in their water legislation, covering a wide range of issues such as pollution control, drinking water supply and sanitation.

4. Issues such as marketing of water-related outputs, proper evaluation of subsidies (including the assessment of the environmental impacts of agricultural subsidies for irrigation), and marketing of water rights were of increased importance for water legislation and water-related litigation.

5. Finally, references were made to the trends to vest water resources management in independent organizations, rather than subsectoral agencies; to the concerns about transfer of some water-related services to the private sector (quality assurance, economic and financial viability, metering, and environmental concerns); and to the need for appropriate information.

6. The Chairman and some members asked how many countries had been requested for information on water legislation and institutional arrangements and how many had responded to that request. The questionnaire had been sent to participants attending the first session of the Committee, through local UNDP offices, but not all had responded.

7. It was noted also that the legislative branch was normally responsible for the enactment of water policies and that the introduction of legislation should take into consideration resources as a whole, and not only subsectoral interests, based on constituent pressure. Water policy formulation was a complex interdisciplinary process.

8. The Committee commended the high quality and useful structure of the report. It was suggested that the following additional topics be included in future reports: users' participation; dissemination of information related to legislation; the importance of appropriate institutional arrangements and the problems of fragmented water management; how to reconcile decentralization with systematic and coherent water management; and institutional and legal factors preventing integrated natural resources management. The experiences of several large countries, with strong independent units in water management, should be studied. A number of members felt that the report lacked information on experience in tropical and water-scarce countries of Africa and other regions. Information on arid areas, the relevance of climatic conditions and the need to integrate water and land management would be useful. An earlier report by the former Department of Technical Cooperation for Development on demand management, and the findings and results of the United Nations Conference on Trade and Development and the General Agreement on Tariffs and Trade, could be part of future documentation to be submitted on the subject. It was also noted that a meeting in Mexico on users' participation, which was soon to take place, might be useful to the Committee in this regard.

9. The representative of the Economic Commission for Latin America and the Caribbean (ECLAC) summarized the activities of ECLAC in the area of legislation and institutional arrangements, including reports and workshops, with the support of the United Nations Environment Programme. The representative of the

World Bank suggested that future reports pay special attention to the question of stakeholders' participation.

10. It was proposed that a report on institutional, legal and organizational issues be prepared for the third session of the Committee, including the questions of pricing, stakeholder participation and institutional constraints to overall natural resources management.

11. With regard to inter-sessional activities, the members requested that two strategic and forward-looking policy-oriented documents be prepared by the Committee, under the leadership of Mr. R. W. Roye Rutland for the minerals sector and Ms. Malin Falkenmark for the water sector. These would be short background papers on issues and solutions for the next decade, which would be considered at the third session of the Committee. Inputs by other members were requested.